

REMARKS

By the present amendment, claims 1 – 20 have been canceled. New claims 21 and 22 have been added to clarify features of the present invention. Applicants submit that in light of the submission of new claims, the rejections of claims 1 – 20 have been obviated, as will be discussed below.

Applicants submit that the pending claims are in accordance with the Restriction requirement mailed 10/26/06 and applicant's Election of Species III on 11/27/06. The elected species was directed to Fig. 20. Applicants also direct Examiner's attention to Figs. 27A – 27D to show pertinent features of the claimed species.

The pending claims are directed to a novel Paper Money Receiving and Paying Apparatus that significantly improves upon the prior art. Strictly for the purposes of illustration, Figs. 27A – 27D of the present invention disclose a stack of paper moneys of the same size being moved from the travel regulating member into the stacking device. This is done so that at least one of the paper moneys not contacting the travel regulating member is prevented from contacting the travel regulating member while being urged toward the stacking device. As a result, at least one of the paper money stacks is prevented from being damaged by the travel regulating member.

As to the objections of claims 18-20 under 37 CFR 1.75(c), such objection is traversed insofar as it is applicable to the present claims. Reconsideration and withdrawal of the objections are respectfully requested.

As to the rejection of claims 2, 3, 9 – 13 and 15 under 35 USC 112, 2nd paragraph, such objection is traversed insofar as it is applicable to the present claims. Reconsideration and withdrawal of the rejections are respectfully requested.

As to the rejection of claims 1 – 5 and 8 – 17 under 35 USC 102(e) and 102(a) as being anticipated by Nomiyama ('509) and the rejection of claims 1-5, 8-11 and 13-15 under 35 USC 102(b) by PCT ('662), the rejections are considered to be overcome by the cancellation of the indicated claims and are traversed insofar as it is applicable to newly presented claims 21 – 27. Withdrawal of the rejection is respectfully requested.

As to the rejection of claim 1 on non-statutory double patenting grounds, the claim has been canceled. Insofar as the rejection is applicable to the present claims, the rejection is traversed and reconsideration and withdrawal of the rejection is respectfully requested.

The present claims distinguish over the prior art of record.

Irrespective of the Examiner's comments concerning the applicability of Nomiyama et al. ('509) or PCT ('662) to the previous claimed invention, applicants submit that neither Nomiyama ('509) or PCT ('662) discloses in the sense of 35 USC 102 or teach in the sense of 35 USC 103, the recited features of the pending claims of this application. More particularly, neither of the cited art provides a disclosure that teaches a travel regulating member that is able to receive and hold thereon a plurality of only paper moneys of the same size detected by the paper money size detector. Nor does the prior art then teach or disclose the travel regulating member being rotated to move the received and held paper moneys to be stacked into the stacking device, as is described on pp. 28, line 8 – pp. 30, line 20, and as shown in Figs. 27A – 27D.

Nomiyama ('509)

As particularly shown in Figs. 20 and 21 of Nomiyama ('509) said prior art teaches a stacking assist member (812) that only accumulates one bill at a time, large or small, before moving the bill into the charging/recovery box (8). The present invention, on the other hand, discloses receiving and holding a plurality of paper moneys of the same size, then moving those stacked and held paper moneys into the stacking device.

PCT ('662)

WO00/24662 discloses a Sheet Stacking Apparatus that must be manually adjusted by an operator (pp. 8, lines 7 – 9), that does not have a paper money size detector for detecting sizes of paper moneys, does not have a travel regulating member, does not have a controller for controlling the travel regulating member, nor does the prior art disclose receiving and holding only paper moneys of the same size before moving the received moneys into a stacking device. For at least these reasons, the claims of the instant application clearly distinguish over the disclosure of PCT ('662).

Possible Rejections Based on 35 USC 103

Applicant wishes to point out that the prior art reference of Nomiyama ('509) is assigned to the same assignee of the present application. Therefore, under 35 USC 103(c), Nomiyama ('509) may not be used in combination with any other prior art reference to reject the claims under 35 USC 103.

In view of the above amendments and remarks, applicants submit that all claims present in this application should now be in condition for allowance and issuance of an action of favorable nature is courteously solicited.

To the extent necessary, applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in the fees due in connection with the filing of this paper, including extension of time fees, to the deposit account of Antonelli, Terry, Stout & Kraus, LLP, Deposit Account No. 01-2135 (Case No. 500.43493X00), and please credit any excess fees to such deposit account.

Respectfully submitted,

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